

ZB# 00-08

**HZ Development Partners /
Thomas's Aircraft Supplies**

4-3-17.13

Prelim.

February 28, 2000

Notu's Sentinel

3/13/00

Public Hearing:

March 27, 2000.

Approved

Refund: \$398.60

#00-08-42 Development Partners/Thomas's
Aircraft Supplies

Area

4-2-17.13.

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: H2 Dev./ Thomas Arerabt

FILE# 00-08.

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 150.00

*paid
3/13/00
ck # 3915
ck # 3916.*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 500.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 2/28/00-3 \$ 13.50
2ND PRELIMINARY- PER PAGE 3/27/00-4 \$ 18.00
3RD PRELIMINARY- PER PAGE \$
PUBLIC HEARING - PER PAGE \$
PUBLIC HEARING (CONT'D) PER PAGE \$
TOTAL \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 2/28/00 \$ 35.00
2ND PRELIM. 3/27/00 \$ 35.00
3RD PRELIM. \$
PUBLIC HEARING \$
PUBLIC HEARING (CONT'D) \$
TOTAL \$ 70.00

MISC. CHARGES:

..... \$
TOTAL \$ 101.50

LESS ESCROW DEPOSIT \$ 500.00
(ADDL. CHARGES DUE) \$
REFUND DUE TO APPLICANT . \$ 398.50

Date 7/10/2000, 1900.

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO K. Thomas Idiculla DR.
38 Judith Dr., Stormville, NY 12582

[illegible]

K. THOMAS IDICULLA MARIAMMA IDICULLA 38 JUDITH DR. STORMVILLE, NY 12582		50-235 617 219 0240139238 DATE 2/2/2000	3915
PAY TO THE ORDER OF	<i>The Town of New Windsor</i>		<i>\$ 150 ⁵⁰/₁₀₀</i>
	<i>One hundred fifty dollars ⁰⁰/₁₀₀</i>		DOLLARS
THE BANK OF NEW YORK <small>Route 17K Office, 900 Auto Park Place Newburgh, NY 12550</small>			
MEMO	<i>Building Thomas's A/c Supplies 2/2/00</i>		
⑆021902352⑆ ⑆0240139238⑆ 3915			

K. THOMAS IDICULLA MARIAMMA IDICULLA 38 JUDITH DR. STORMVILLE, NY 12582		50-235 617 219 0240139238 DATE 2/2/2000	3916
PAY TO THE ORDER OF	<i>The Town of New Windsor</i>		<i>\$ 500 ⁰⁰/₁₀₀</i>
	<i>Five hundred dollars ⁰⁰/₁₀₀</i>		DOLLARS
THE BANK OF NEW YORK <small>Route 17K Office, 900 Auto Park Place Newburgh, NY 12550</small>			
MEMO	<i>Windsor Road Thomas's A/c Building 2/2/00</i>		
⑆021902352⑆ ⑆0240139238⑆ 3916			

In the Matter of the Application of

**HZ DEVELOPMENT PARTNERS/
THOMAS'S AIRCRAFT SUPPLIES**

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#00-08.

WHEREAS, HZ DEVELOPMENT PARTNERS, Wembly Road, New Windsor, N. Y. 12553, owner, and THOMAS'S AIRCRAFT SUPPLIES, 1033 First Street, Hangar A, Stewart Airport, New Windsor, N. Y. 12553, have made application before the Zoning Board of Appeals for a 7 ft. maximum building height variance to construct a building at 24 Wembly Road in a PI zone; and

WHEREAS, a public hearing was held on the 27th day of March, 2000 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by Gregory Shaw, P. E. for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property located in a neighborhood of commercial properties.

(b) The property is located in a PI zone in a development containing commercial properties.

(c) The Applicant proposes to construct a building which is part warehouse and part

office space.

(d) The Applicant's business will be serviced by tractor-trailers and the site plan that is proposed would allow a maximum utilization by tractor-trailers considering the peculiar geometry of the property.

(e) The height variance, if allowed, would allow the construction of a building which is no higher than the buildings of neighboring properties.

(f) The building is proposed in its current location so as to maximize the safety in the use of the property.

(g) The location of the building, if the height variance is granted, will not create any additional water run off or drainage hazards.

(h) The building, if constructed, will not be built on top of any water or sewage easements.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is not substantial in relation to the Town regulations.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance as previously stated is reasonable in view of the size of the building, its location, and its appearance in relation to other buildings in the neighborhood.
8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 7 ft. maximum building height variance for construction of a building at 24 Wembly Road in a PI zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: May 22, 2000.

Chairman

Date 7/7/00, 19.....

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Frances Roth DR.
168 N. Drury Lane.
Newburgh, N.Y. 12550

DATE		CLAIMED	ALLOWED
3/27/00	New Windsor Zoning Board Mtg	75.00	
	Misc - 3		
	Fox - 4		
	Excel Corp/Lewis Sign - 3		
	Ryan - 4		
	HZ Development - 4 * 18.00		
		81.00	
		156.00	

HZ DEVELOPMENT/THOMAS AIRCRAFT SUPPLIES

MR. TORLEY: Request for 7 ft. maximum building height variance to construct a building at 24 Wembly Road in a PI zone.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MS. BARNHART: Let the record show that we sent out 11 notices on March 13 and I see Jay Cappola in the audience. Are you here as a spectator?

MR. CAPPOLA: I'm here with Greg.

MS. BARNHART: Thank you.

MR. CAPPOLA: Thank you for asking.

MR. KRIEGER: So, Mr. Chairman, the record should reflect there's no one here who's interested in speaking on this application.

MR. TORLEY: Let the record so reflect.

MR. SHAW: Good evening. For the record, my name is Greg Shaw and I'm with Shaw Engineering. And tonight I'm representing Thomas Aircraft Supplies, Inc. The plan that I just passed out before you is for a parcel of land on Wembly Road located in a PI zone. The lot area is just over two acres and as you'll see that it is a unique piece that it's in the shape of a trapezoid. This lot was recently created by the planning board I'd say about four months ago. In fact, this board had granted a variance for the lot width prior to that. What we're proposing to construct is a building on this site which is going to be a combination of warehouse space and office space. The warehouse space is going to be 9,960 square feet with the office space being 1,950 square feet. Thomas Aircraft Supplies, Inc. is going to own the site, the building and occupy one half of the building, that being one half of the warehouse space, one half of the office space with the remaining 50% being rented out to a tenant. This being an industrial zone, it's

appropriate for my client in that he has the need for tractor trailers to enter the site and you'll notice on the site plan that we have indicated four loading bays for tractor trailers. In addition to that, we have parking for employees and guests because of the geometry of the site that being so narrow in width and the fact that we have to have tractor trailers access the site, we have placed the building 20 feet from the side yard, while that 20 feet is sufficient with respect to your zoning ordinance, we have a problem with respect to the building height. Building height is a function of 12 inches per foot to the nearest lot line, we're 20 feet away, we're allowed to go a maximum of 20 feet and we're proposing to go 27 feet, therefore, the request before this board for a 7 foot variance. We don't feel that request is excessive. This is an industrial zone. There are existing structures, Mt. Ellis to the west, you have Scenic Properties with two structures on it to the east and you have Air Products which is to the south. And I would venture to say that each of those buildings are in excess of 27 feet. And I may just clarify something, 27 feet is defined to your ridge line, not to your eaves line, so that's at the highest point of the building to the peak it will be less than that at the property line. But again, according to your zoning ordinance, it's to the highest point of structure, therefore, it's the ridge line. So, in summation, we're asking for the variance because of the fact of tractor trailers have to access the site. It's an industrial piece of land and due to the geometry of the lot and narrowness of the width in order for the tractor trailers to back into the parking spaces, we had to set the building seven feet closer to the lot line than the building height would permit.

MR. TORLEY: So, it's a question of safe operation of the facility for the building to be where it is?

MR. SHAW: That's certainly part of it. The other part of it also is that with this structure on this site, we have to place that close to the building in order for the vehicles to enter it. But certainly safety is one component of the equation.

MR. TORLEY: Just quick check, the parking spaces required are as defined by the new ordinance?

MR. SHAW: I believe so, yes.

MR. KANE: Minimum height you need?

MR. SHAW: Minimum height for that structure, yes, with it being a warehouse, we need the storage room. Do you remember how high it is to the eaves?

MR. COPPOLA: The eaves--no, I don't know, we were looking for 16, 9 under steel on the inside.

MR. MC DONALD: Normally 18 feet, isn't it, Greg?

MR. SHAW: Yes.

MR. REIS: Nice utilization of the property.

MR. SHAW: Yeah, that's the only way it will work. We tried when we first started laying out the building on the site we flipflopped it to the other end, that didn't work, we tried a couple different layouts and this is the one that really worked. Unfortunately, the side yard had to be compromised.

MR. TORLEY: In placing the building where it is as opposed to anywhere within the approval footprint, you're not creating any additional water runoff or drainage hazards, et cetera?

MR. SHAW: No. One thing I may point out seeing that you use the word drainage, this riprap swale which is on the western portion of the site that was designed by my office maybe about four years ago that was an issue between Mt. Ellis, whose property it's situated on and the developer of this industrial park, William Helmer. I can tell you that drainage swale was built out for a 50 year storm for the entire watershed area 100 percent built out, okay. So the point is there's capacity in the drainage swale and the piping to account for any additional runoff that may occur due to the pavement that's going to be placed on this site so what I'm saying there's no impact.

MR. TORLEY: And you're not building over any water or sewage easements?

MR. SHAW: No, not at all.

MR. MC DONALD: I took a ride after we had the preliminary and that building that Scenic's got there is going to make yours dwarf.

MR. SHAW: It's tremendously higher.

MR. MC DONALD: That's the one that you back up to.

MR. SHAW: That's right.

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: I recommend that we accept and pass HZ Development's request for their requested variance.

MR. MC DONALD: Second it.

ROLL CALL

MR. MC DONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

Prelim:
2/28/00

#00-

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

68

PLANNING BOARD FILE NUMBER: 00-02

DATE: 2 FEB 00

APPLICANT: THOMAS'S AIRCRAFT SUPPLIES
HANGAR A 1033 FIRST STREET
STEWART AIRPORT NEW WINDSOR NY 12553

H2 Development Partners - Owner
(Helmer)

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 20 JAN 00

FOR (~~SUBDIVISION~~ - SITE PLAN)

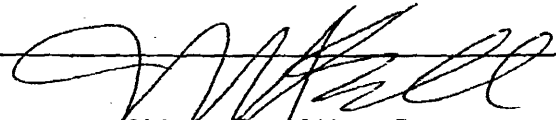
LOCATED AT WEEMBLE ROAD

ZONE PI

DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 3 LOT: 17.13

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

HEIGHT VARIANCE REQ'D.


MARK J. EDSALL for
MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>		<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE	<u>PI</u>	USE	
MIN. LOT AREA	<u>40 000 SF</u>	<u>88 460 SF</u>	<u>—</u>
MIN. LOT WIDTH	<u>150 FT</u>	<u>141 FT</u>	<u>VARIANCE ALREADY GRANTED</u>
REQ'D FRONT YD	<u>50 FT</u>	<u>180 FT</u>	<u>—</u>
REQ'D SIDE YD.	<u>15 FT</u>	<u>20 FT</u>	<u>—</u>
REQ'D TOTAL SIDE YD.	<u>40 FT</u>	<u>137 FT</u>	<u>—</u>
REQ'D REAR YD.	<u>20 FT</u>	<u>65 FT</u>	<u>—</u>
REQ'D FRONTAGE	<u>N/A</u>	<u>N/A</u>	<u>—</u>
MAX. BLDG. HT. <u>12' MU</u>	<u>20'</u>	<u>27 FT.</u>	<u>7 FT.</u>
FLOOR AREA RATIO	<u>0.60</u>	<u>0.13</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>N/A</u>	<u>—</u>
DEV. COVERAGE	<u>N/A</u> %	<u>N/A</u> %	<u>—</u> %
O/S PARKING SPACES	<u>23</u>	<u>24</u>	<u>—</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

REGULAR ITEMS

THOMAS AIRCRAFT SITE PLAN (00-02) WEMBLY ROAD

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Construction of 11,910 square foot building for warehouse and office use and related site requirements. This is first time we're seeing this, right, Mark?

MR. EDSALL: Yes, the use is permitted by right.

MR. SHAW: Yes.

MR. PETRO: Variance has already been granted by the ZBA, what was that for?

MR. SHAW: Correct, this board voted on I think maybe about four or five weeks ago the subdivision of this parcel, this is a parcel that was approved by this board, yet to be filed in the clerk's office of FC Partners, which is also Air Products. You approved this subdivision which took from a six acre parcel. In talking to the secretary before the meeting, I believe that subdivision plan has been stamped and signed and is in her office waiting to be filed in the clerk's office. What we're looking for tonight is a rejection to allow us to go to the Zoning Board of Appeals for a building height variance. As you said, it's in the PI zone, parcel area is two acres and with respect to all aspects of the zoning we're in compliance with the exception of building height.

MR. PETRO: Side yard is 20 feet?

MR. SHAW: Correct. With the building height being 27 feet high, we're only allowed of height of 20 feet, therefore, we need a variance of seven feet. So with that, maybe I can just take a minute and explain the use of the property. Thomas Aircraft Supplies is a company which is presently located at a hangar at Stewart Airport, they are renting the facility, they provide parts and service to Stewart Airport and the

airlines there. They want to relocate to this parcel. They'll be taking half of the structure, they'll be taking half of the warehouse and half of the office area and they'll be renting out the other half. With each half, there will be two loading areas along with appropriate parking, both for employees and visitors. So that's it in a nutshell, Mr. Chairman, a rejection would allow us to go to the ZBA and get the variance for the building height.

MR. PETRO: There's a couple housekeeping notes, you might as well take Mark's comments.

MR. SHAW: Okay.

MR. PETRO: Just to add the, just to add the date that you did receive it.

MR. EDSALL: Just the date on it.

MR. LUCAS: Is this south of Air Products?

MR. SHAW: It's north of Air Products, north of Air Products, Air Products is on this piece here. This is Mt. Ellis, okay, going uphill towards 300, you have the vacant parcel with Air Products in the back and the next is Scenic properties.

MR. EDSALL: Mike, this is lot 2 of the subdivision you guys approved in December.

MR. LUCAS: Right.

MR. PETRO: Let the minutes reflect that we have fire approval on 1/24/00. Can I have the motion for final approval?

MR. LUCAS: Make that motion.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Thomas Aircraft Supply site plan on Wembly Road. Is there any further discussion from the board members?

January 26, 2000

5

If not, roll call.

ROLL CALL

MR. ARGENIO	NO
MR. BRESNAN	NO
MR. LUCAS	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for your necessary variances. Ones you're fortunate enough to receive those and they're on the map and you want to come back, we'll set you on the next available agenda.

MR. SHAW: Thank you.

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(814) 563-4611

RECEIPT
#159-2000

03/13/2000

Idiculla, Thomas & Mariamma

Received \$ 150.00 for Zoning Board Fees, on 03/13/2000. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Dorothy H. Hansen
Town Clerk

-----X

**AFFIDAVIT OF
SERVICE
BY MAIL**

Thomas's Aircraft Supplies, Inc.
#00-08. HZ Development

_____X

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That on the 13 day of March, 2000, I compared the 11 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Polina C. Corseth

Notary Public

____ day of _____, 20____.

Notary Public

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

00-08

Date: 1/26/2000

I. ✓ Applicant Information:

- (a) Thomas Idiculla, 1033 First St., New Windsor, NY 564-7221
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) Gregory J. Shaw, P.E., 744 Broadway, Newburgh, NY 12550, 561-3695
(Name, address and phone of contractor/engineer/architect)
- OWNER: H-Z Development Partners

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) PI 24 Wembly Road 4-3-17.13 6Ac
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes.
- (d) When was property purchased by present owner? _____
- (e) Has property been subdivided previously? Yes.
- (f) Has property been subject of variance previously? Yes.
If so, when? 1999.
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No.
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No
- _____

IV. Use Variance. NY

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of use/bulk Regs., Col. I.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. <u>20 Ft</u>	<u>27 Ft</u>	<u>7 Ft</u>
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

See Attached

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

_____.

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Applicant: Thomas Idiculla
Thomas's Aircraft Supplies Inc.

The subject parcel is 2.0 acres in size, and is a recently subdivided parcel within the Planned Industrial (PI) zoning district. The parcel is located on Wembly Road which is the main thoroughfare through the Gateway Industrial Park. Situated on each side of the parcel, and to its rear, are existing manufacturing and warehouse facilities, uses consistent within the PI zone.

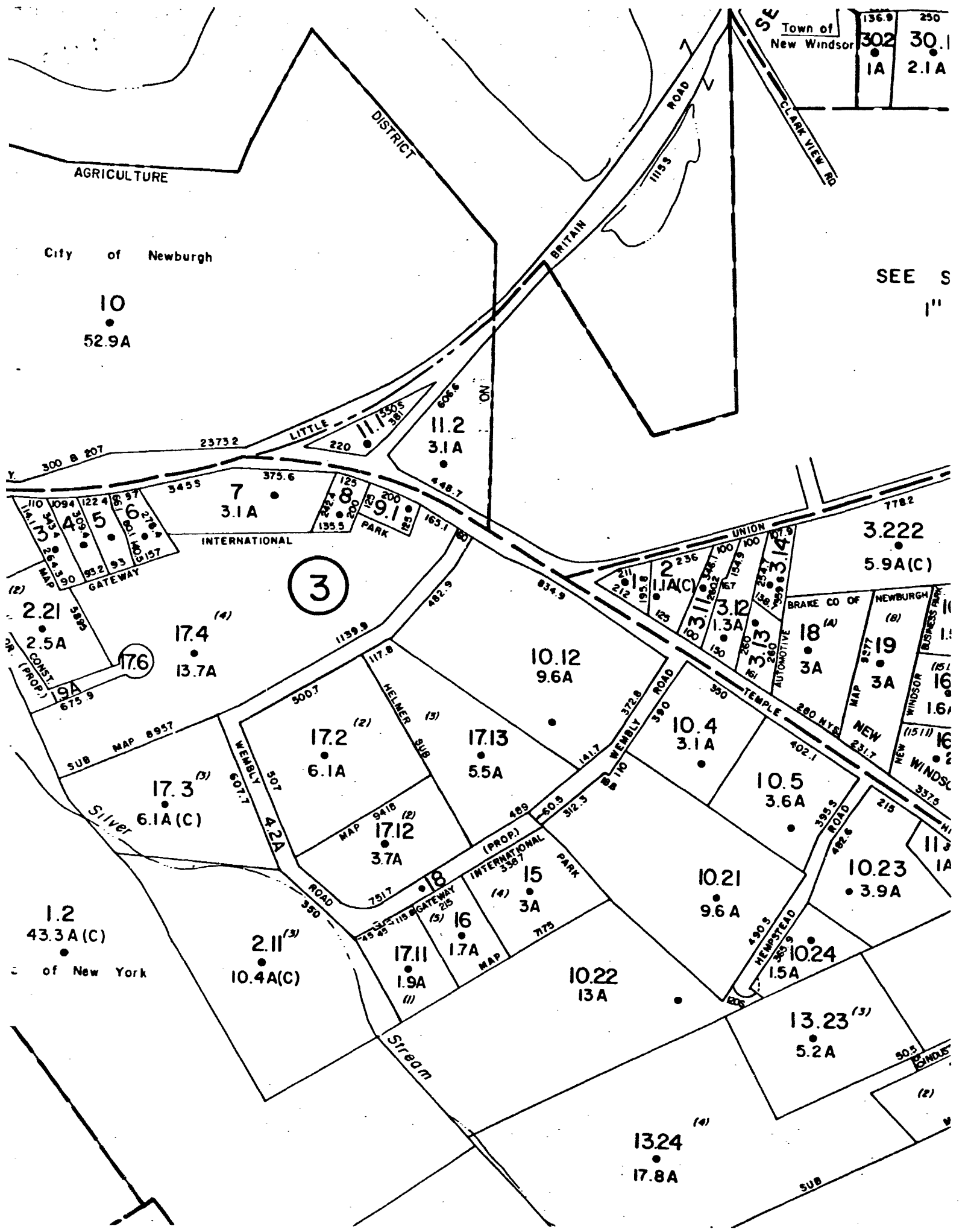
The Applicant proposes to construct an 11,910 S.F. building that will be used for office and warehouse. Presently the Applicant's business is located at Hanger A within Stewart International Airport, and he desires to relocate his business to the Wembly Road site. The geometry of the parcel is unique in that it has the shape of a trapezoid, and has a very narrow width along the front yard adjacent to Wembly Road.

The Applicant is seeking an Area Variance to construct a building to a height of 27 feet. Based upon the distance to the nearest lot line (side), the Zoning Ordinance limits the height of the building to 20 feet. Therefore, a Building Height Variance of 7 feet is being requested.

The request for the Building Height Variance is a result of the unique geometry of the lot having a limited road frontage of 117 feet and a lot depth of 411 feet. At the north edge of the proposed building, the lot width is only 197 feet. The narrowness of this lot, coupled with the fact that it is an industrial site needing adequate turning radii for tractor tractors, results in the placement of the building 20 feet from the property line. The placement of the building 20 feet from the property line is not an issue as it is well in excess of the minimum side yard setback of 15 feet.

The granting of the subject Variance is not substantial when considering the size and configuration of the parcel. The granting of the Variance is not detrimental to the health, safety, or welfare of the neighborhood since the property is located in the PI Zone and is a permitted use. The granting of the Variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district. The granting of the Variance will not produce an undesirable change in the neighborhood or be a detriment to adjoining properties.

There is no other method which the Applicant can feasibly pursue other than the Variances sought in this Application. In view of all the facts and circumstances presented to this Board, the Applicant respectfully requests that the Variance sought be granted.



PROJECT I.D. NUMBER

617.21

SEQR

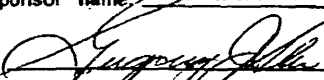
Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Thomas Idiculla	2. PROJECT NAME New Warehouse/Office Building for
3. PROJECT LOCATION: Municipality <u>Town of New Windsor</u> County <u>Orange</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 24 Wembly Road (portion of)	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: The construction of 11,910 s.f. building on a 2.0 acre parcel. Building height will be in excess of that permitted by Zoning Ordinance.	
7. AMOUNT OF LAND AFFECTED: Initially <u>2.0</u> acres Ultimately <u>2.0</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly A building height is required	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals Town of New Windsor Planning Board—Site Plan Approval	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Thomas's Aircraft Supplies Inc.</u> Date: <u>1/26/2000</u>	
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☒ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly.

No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

No

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☒ No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Town of New Windsor Zoning Board of Appeals

Name of Lead Agency

James Nugent
Print or Type Name of Responsible Officer in Lead Agency

Chairman
Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

[Signature]
Signature of Reviewer (if different from responsible officer)

Date

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 00-08

Request of Thomas's Aircraft Supplies, Inc. / H-Z Development Partners
for a VARIANCE of the Zoning Local Law to Permit:

The Construction of a building in excess of the permitted building
height. A Variance of 7 feet in height is requested

being a VARIANCE of Section 48-12 Table of use/Bulk Regulation, Column I
for property situated as follows:

24 Wembly Road

known and designated as tax map Section 4, Blk. 3 Lot 17.13 (portion of)

PUBLIC HEARING will take place on the 27 day of March, 2000 at the
New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30
o'clock P.M.

James Nugent

Chairman

Date 3/3/00, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

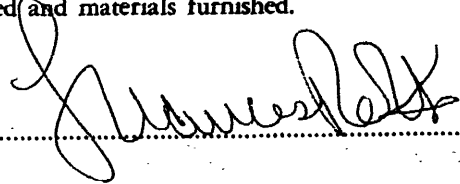
DATE			CLAIMED		ALLOWED	
		Zoning Board Mtg	75	00		
		MFL - 1				
		HZ Development - 3				
		Borgia - 4				
		Locke - 3				
		Petro metals - 8				
		Omat - 8				
		Maurice - 13	180	00		
		<u>40</u>	<u>255</u>	<u>00</u>		

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19.....

the within claim was audited and allowed

for the sum of

\$

Clerk

PRELIMINARY MEETING:

HZ DEVELOPMENT/THOMAS AIRCRAFT SUPPLIES

MR. TORLEY: Request for 7 ft. maximum building height for construction of an 11,910 square feet building for warehouse and office use on Wembly road in a PI zone.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: For the record, my name is Gregory Shaw and I'm with Shaw Engineering and tonight, I'm representing Thomas Aircraft Supplies, Inc. If this board might remember, about three months ago, you had approved a variance on this subject parcel of land which is located on Wembly Road. It's a 2 acre parcel located in the PI zone. It's owned by HZ Development Partners, you may remember that to the rear of this property was Air Products, okay, and I have just been informed that that subdivision plan which received approval from the planning board was recently filed so this is now a created lot, which was not the case about four weeks ago. What we're proposing on this is one building which is going to be a combination of office and warehouse, the warehouse is going to be 9,960 square feet and the office is going to be approximately 1,950 square feet. One of the tenants is going to be Thomas Aircraft Supplies, Inc. who is the contract vendee of this parcel. The other half of the facility will be rented out to a tenant. As you'll notice on the site plan and again this being a industrial site, there will be four loading bays for tractor trailers, two will be used by Thomas Aircraft Supplies, the other two is for the tenant along. With that, we have provided parking in the front for employees and also parking for visitors in the front and the side of the building. Also you'll notice in this appendage which points in a westerly direction is going to be a turnaround area for tractor trailers, so when they pull in, it will be nose first and then they'll be able to back into the loading bays. Immediately to the west of this site is also Mt. Ellis and the two parcels are separated by a riprap line drainage channel recently installed a couple years ago. We're coming before this board tonight to ask for

a building height variance. We comply with all aspects of the zoning with the exception of building height. The zoning allows us 12 inches of building height per foot to the nearest lot line. Because we have a side yard setback of 20 feet, our limitation is a building height of 20 feet, we're proposing to construct a building 27 feet in height. And you may ask why is the building situated in that manner. If you take a look at the geometry of the parcel, how it's so narrow on Wembly Road, how it opens to the back, that coupled with the fact that it's an industrial site and you're going to have tractor trailers coming into the site and turning radius, for the moment, we had to push this building as close to the property line as we could. You'll notice in this area right here that we're almost up to encroaching into the riprap drainage swale. We really can't project it any further to the west towards that swale, therefore, we have a side yard setback of 20 feet, therefore, building height of 20 feet, therefore, the request for the variance of 7 feet. So that's a quick overview. I'll answer any questions you may have. I hope the board will feel comfortable to refer this to a public hearing tonight.

MR. KANE: Greg, as far as the height of the building, how is it compared to the other buildings that are in there?

MR. SHAW: It's going to be a metal frame, so what happens is you're going to be at the eaves closest to the property line, maybe 14 feet, okay, and then you're going to be moving from the eaves to the ridge, which is going to be located down the center of the building, again, that 27 foot dimension is to the ridge, so at the property line, it will be substantially less, maybe 16 feet.

MR. KANE: Maximum height no higher than the Mt. Ellis building?

MR. SHAW: No.

MR. TORLEY: And the adjacent property that has the, where you have the short side yard, what's on that?

MR. SHAW: That is Scenic Properties, the old Boss Glass facility. Those buildings are quite large. The one in the front is two stories and I believe there's a large metal frame to the rear of the property which is also quite substantial in height, it's up there.

MR. KANE: I have no questions.

MR. REIS: I make a motion that we recommend HZ Development to a public hearing.

MR. KANE: Second the motion.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE.

MR. BARNHART: Greg, you have all the applications?

MR. SHAW: Do you have an extra packet?

MR. BARNHART: Yes, I do.

MR. KRIEGER: In terms of the criteria, Greg, you already have a sheet?

MR. SHAW: Yes, I do and we'll address all those items with respect to the justification for the variance in our paperwork to the board.

MR. KRIEGER: Thank you.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

cc: Myra -
Is this yours?
P.

Patti,
It goes
w/ this applic.
m

January 26, 2000

Mr. Gregory Shaw
744 Broadway
Newburgh, NY 12550

RE: 4-3-17.13

Dear Mr. Shaw:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$ 35.00, minus your deposit of \$25.00.

Please remit the balance of \$ 10.00 to the Town Clerk's office.

Sincerely,

Leslie Cook

Leslie Cook
Sole Assessor

/jff
Attachments

Cc: Pat Barnhart, ZBA

HZ Development Partners
Gateway International Park
Wembly Rd.
Newburgh, NY 12550

Gateway International Park
P.O. Box 4083
Wembly Road
New Windsor, NY 12553

Sloan Warren Jr.
P.O. Box 4545
New Windsor, NY 12553

Duggan & Crotty
Temple Hill Co.
563 Temple Hill Rd.
New Windsor, NY 12553

Scenic Properties LLC
335 Temple Hill Rd.
New Windsor, NY 12553

The Coca-Cola Bottling Co. of New York
C/o Coca Cola Enterprises
Property Tax Dept
P.O. Box 723040
Atlanta, GA 31139-0040

Caralex Realty
315 Temple Hill Road
New Windsor, NY 12550

Granuzzo Anthony, DBA Gamma Realty
Lincoln Rd.
Putnam Valley, NY 10579

Crowley Foods, Inc.
C/o Miller Enviromental Group Inc.
538 Edwards Ave
Calverton, NY 11933

Senlar Associates
P.O. Box 1104
Newburgh, NY 12550

Norris, H. Coleman
Nine Beach Park
N23 W28190
Pewaukee, WI 53072-5130

